

TOWN OF NEWSTEAD - ZONING BOARD OF APPEALS
MINUTES of August 19, 2003

Present: Corky Keppler
Dave Wakeman
Bill Kaufman
Scott Chaffee
Ike Cummings
Rebecca Baker, Zoning Officer
Christine Falkowski, Recording Secretary

Corky called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

Public Hearing – Area Variance –Rapids Road (Cell Tower)

The public hearing was opened to hear comments for or against the area variance request of 75' height to construct a 250' telecommunications tower owned by AT&T Wireless Services, Inc. and located at 12564 Rapids Road, property of Howie Brucker. Code limits towers in the R-A zone to 175'. A Court Reporter, hired by AT&T, recorded the meeting using microphones. The request for 250' has now been revised to 199' but extendable in the event it is insufficient. Although, they don't anticipate the need to come back. George Drysdale, a Radio Frequency Engineer for AT&T gave a presentation on why they need more height. He said that AT&T's frequencies are PCS technology, different than other cell towers. It can be likened to the AM vs. FM radio band, and the higher band, or megahertz, is more difficult to cover. They strive for overlapping coverage for the hand-off process between cell towers. It will not be perfect coverage and there will be gaps. They have done a propagation study at 199' and will provide that to us. Scott requested we also receive the study at 175', which they promised to provide. This tower is designed for themselves plus two co-locators for a total of three. They offered to design it for whatever number of co-locators the Town requests. They also offered to design a monopole tower vs. lattice if we so desire. This tower will have a 2.5 – 3 mile radius. They are looking to colocate at the Sprint tower on S. Newstead Road. There will be no lighting of any kind on the tower if it is under 200' unless requested by Mercy Flight. The plan calls for a 7' fence with 1' of barbed wire, but they can make it 6' if requested. There was no public comment.

The SEQR process for lead agency will expire on 9/11/03, and the Town Board meets on 9/22/03. Maureen Elwell requested that they issue a Special Use Permit conditional upon Zoning Board variance approval at the same time as issuing the negative declaration. This would make the process more timely. Maureen will send a letter to the Boards amending the request to 199'.

Public Hearing – Area Variance – Quarry Hill Estates

The public hearing was opened to hear comments for or against the variance request to operate three commercial vehicles (weighing less than 10,000 pounds each) out of 192 Quarry Hills Estates, owned by Russell Tucker DBA Rusty's Express. Permitted accessory use in the MHP zone allows outside storage of a single commercial vehicle not exceeding MGWV of 10,000 pounds owned by the occupant of the premises for personal use. Mrs. Baker noted that this should be an area variance, not a use variance as published. Russell Tucker owns a sole proprietorship, a cartage service that his father started in 1998. He is the only driver, except for a relative who may fill in when he needs time off. He has two vans and one truck in order to spread out the mileage. He will never increase the size of the vehicles or the number of them. He does not deliver hazardous materials. The trucks are parked in a public parking area, per Quarry Hill's approval. The only reason Mr. Tucker requested the variance is that he saw on the Internet a recommendation that small businesses obtain proper code variances. Mr. Tucker actually rents this home from his grandmother. There was no public comment.

A temporary special use permit renewable annually with a limit of three vehicles was considered. Dave motioned to table this decision until we obtain documentation from Quarry Hill that they allow this and that they have received no complaints, seconded by Scott and all approved.

Tom Haberneck approached Corky about his 29-acre flaglot on Barnum Road. He has a potential buyer who wishes to build one house on it. It was agreed that his request should go to the Planning Board.

Ike motioned to approve the minutes of June 3rd and July 22nd of 2003, seconded by Bill and all approved.

The bi-monthly zoning report was reviewed.

The next potential Zoning Board meeting will be scheduled for Tuesday, September 16, 2003

Bill made a motion to close the meeting at 8:45 PM, seconded by Scott and all approved.

Respectfully submitted,
Christine B. Falkowski,
Recording Secretary